

REMARKS

Claims 1-17 are pending in the application. Claims 1, 2, 5 and 6 are rejected under 35 USC §102(e) as being anticipated by Law (US Patent No. 6,064,699).

With regard to claim 1, it is stated that "...the modulated signal is sent to the RF amplifier...It is therefore obvious that the information going into the transmitter contains some speaker characteristics." However, the information going into the transmitter at this point comes from the transmitter. All of the elements mentioned in the rejection of claim 1 are from the transmitter 100.

The amplifier 10 of the instant invention is analogous to the transmitter and the speakers 12a and 12b are analogous to the receiver 200. This has been clarified in the specification and the claims. The specification was amended to more clearly state that the term "this" as was used in the text referred to the amplifier as being with the sound generation apparatus, such as a TV, CD player, tuner, etc., and the speakers are remote from that. As amended, claim 1 requires that the speaker characteristics are transmitted *from the speakers* to the transmitter. It should be noted that the 'speaker system' of claim 1 does not include the amplifier 10. The characteristics assumed to be transmitted in Law are transmitted from one portion of the transmitter to the other portion of the transmitter. It is therefore submitted that claim 1 is patentably distinguishable over the prior art and allowance of this claim is requested.

With regard to claim 2, it is stated that "Law anticipates all of the elements of that [claim 1] claim." However, in Law, the RF modulator of the *transmitter* is said to be the same as the communications module of the instant application. A major difference is that the communications module is located at the speaker, not at the amplifier/transmitter of Law. This has been clarified by an amendment to claim 2. It is therefore submitted that claim 2 is patentably distinguishable over the prior art and allowance of this claim is requested.

With regard to claim 5, it is stated that "...Law teaches an RF modulator. Impedance is an inherent feature of a modulator." As discussed above, the RF modulator of Law is in the transmitter, which is analogous to the amplifier 10 of the instant application. In addition, while impedance may be an inherent feature of a modulator, it is not necessarily a feature of the modulator to have a high impedance to avoid placing a load on the speaker. It is especially not a feature of a modulator that is not even in communication with the speaker, as the RF modulator of Law is not. It is therefore submitted that claim 5 is patentably distinguishable over the prior art and allowance of this claim is requested.

With regard to claim 6, Law does not teach all of the features of claim 1 as the communications module is in the speaker system of the instant invention, not in the amplifier, which corresponds to the transmitter of Law. Further, there is no communications module in the speaker of Law. Finally, while CVSD modulation may be a form of amplitude modulation, Law does not teach using amplitude modulation from the speaker system to the amplifier, or the use of low-tone modulation or phase-shift keying. It is therefore submitted that claim 6 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 15 and 16 are rejected under 35 USC §102(e) as being anticipated by Konno et al. (US Patent No. 6,282,296).

Konno is based upon using microphones to detect ambient noise around speakers and a system then determines the sound level and adjusts accordingly. This is similar to the approach taken in the prior art mentioned on page 1, lines 28-33. The speaker characteristics transmitted in the instant invention are static characteristics that may only be transmitted once. The specification has been amended to make this clearer. This amendment does not constitute new matter, as shutting down the communications module after a single transmission is mentioned in several places on page 4 of the specification. Further, the

characteristics of the speaker are characterized as being 'hardware' characteristics, not related to ambient noise, which is not a speaker characteristic, but an environmental characteristic. It is therefore submitted that claim 15 is patentably distinguishable over the prior art and allowance of this claim is requested.

With regard to claim 16, Konno does not anticipate all of the elements of claim 15, for the reasons as discussed immediately above. Further, Konno does not show a speaker system connecting to the amplifier with wires, where the speaker system communicates back to the amplifier. In Konno, the speaker system does not send the characteristics, the microphones, not part of the original speaker system, do. It is therefore submitted that claim 16 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 3, 8-12 and 14 are rejected under 35 USC §103(a) as being unpatentable over Law.

With regard to claim 3, the nature of the communication between the RF modulator and the RF amplifier is not relevant. Claim 3 depends from claim 1 and the claim is directed to a connection between a communications module on the speaker communicating with an amplifier that is analogous to the transmitter of Law. The modulator and amplifier of Law are both located in the transmitter. There is no communications module in the speaker communicating back to the transmitter in Law. It is therefore submitted that claim 3 is patentably distinguishable over the prior art and allowance of this claim is requested.

With regard to claim 8, Law does not show the receiver, which is analogous to the speaker system of the instant application, communicating with the transmitter, analogous to the amplifier. It must be noted that a frequency band overlapping another is not the same as using the same frequency band. As Law does not teach the communications set forth above, it is not obvious that those communications may occur in overlapping bands. It is therefore

submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

With regard to claim 9, the use of a power source in Law in which an alternating current is converted to a direct current does not read on a carrier signal, which is a communications signal, being used to provide power. The rejection seems to say that the alternating current is a carrier signal, which is not true. It is not obvious in Law that information will be transmitted from the *receiver* to the *transmitter* as long as there is a signal. Similarly, the reason that there is only communication as long as there is a signal is because the method of claim 9 uses the carrier signal for power. It is therefore submitted that claim 9 is patentably distinguishable over the prior art and allowance of this claim is requested.

With regard to claim 10, it is submitted that claim 10 is patentably distinguishable over the prior art for the reasons as applied to claim 9 and the reasons as applied to claim 5.

With regard to claim 11, it appears that, in the rejection, the receiver is now being held out as being analogous to the amplifier and is transmitting to an undefined speaker. However, in the instant invention, the communication is typically from the speaker to the amplifier. Claim 11 is directed to the situation where the reverse is also true. Law does not show this in any manner. It is therefore submitted that claim 11 is patentably distinguishable over the prior art and allowance of this claim is requested.

It is submitted that claim 12 is patentably distinguishable over the prior art for the reasons as applied to claim 6, where there is no communication from the receiver to the transmitter, and allowance of this claim is requested.

It is submitted that claim 14 is patentably distinguishable over the prior art for the reasons as applied to claim 8 and allowance of this claim is requested.

Claim 4 is rejected under 35 USC §103(a) as being unpatentable over Law in view of Konno et al. As discussed at length above with regard to claim 1, Law does not teach the elements of this claim, and the combination of Law with Konno does not overcome the requirement that the speakers transmit their characteristics back to the amplifier. Note that in Law, there is no communication, and in Konno the communication back to the amplifier is not from the speaker system, but from microphones. Therefore, the combination of references, taken as a whole, does not teach a speaker system that communicates back to the amplifier. Further, rectification of an AC signal is not the same as rectification of a carrier signal to provide power. It is therefore submitted that claim 4 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 7 and 13 are rejected under 35 USC §103(a) as being unpatentable over Law in view of Zuquert (US Patent No. 6,466,832). Law does not teach all of the elements of the base claims 1 and 9, respectively. Zuquert does not teach any communication from the speakers to the amplifier. As discussed in the office action, the transmitter communicates with the speakers in a separate frequency. There is no communication from the speakers back to the transmitter, much less an out-of-band communication. It is therefore submitted that claims 7 and 13 are patentably distinguishable over the prior art and allowance of these claim is requested.

Claim 17 is rejected under 35 USC §103(a) as being unpatentable over Konno. It is submitted that claim 17 is patentably distinguishable over the prior art for the reasons as applied to claim 3 and allowance of this claim is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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